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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,579	07/30/2001	Masato Kudo	046982-0119	9539

22428 7590 10/05/2006

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EXAMINER

HO, ANDY

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,579

Applicant(s)

KUDO ET AL.

Examiner

Andy Ho

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed 7/19/2006.
2. Claims 1 and 3-18 have been examined and are pending in the application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1 and 3-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of claims raises a question as to whether the claims are directed merely to an abstract idea. The claims appear to define the metes and bounds of an invention comprised of software alone without claiming associated computer hardware required for execution (note claim 18 which defines claim 1 to be software implemented). Software alone, without a machine, is incapable of transforming any physical subject matter by chemical, electrical, or mechanical acts.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-4 and 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonemitsu U.S Patent No. 6,856,962 in view of Ford U.S Patent No. 6,480,830.

As to claim 1, Yonemitsu teaches a schedule information system (Fig. 1) comprising:

schedule data storage in which users schedule data are stored (schedule data storage unit 106, Fig. 1);

information service for providing users with first related information (information being provided to the user from the server via network, lines 41-42 column 2);

related service search means for searching the information service for information that relates to the schedule data stored in the schedule data storage and provides the information as the first related information based on user's schedule data (...an unoccupied time search unit for accepting an unoccupied time search request for a schedule and determining whether the time zone of the schedule is rendered an occupied time or not based on the schedule state of the schedule data existing in the schedule data table and the definition data, and when determining that the time zone of the schedule is rendered an occupied time, displaying an unoccupied time by removing the time zone of the schedule from the unoccupied time..., lines 58-67 column 1);

wherein the related service search includes, in response to users' instructions to search related services or to consult schedule data, acquires the first related information from information service and outputs the first related information to the users (...function

of searching for an unoccupied time, and upon receipt of an unoccupied time search request, the search result is displayed in accordance with the definition..., lines 44-48 column 3); and

wherein the related service search includes searches the information service data storage in response to users' instructions or control; and outputting to the user, along with the schedule data said first related information (...function of searching for an unoccupied time, and upon receipt of an unoccupied time search request, the search result is displayed in accordance with the definition..., lines 44-48 column 3).

Yonemitsu does not explicitly teach an Internet-based search engine, second related information summarizing a subject matter of the first related information, and the related information being other than schedule data of another user.

Ford teaches (line 12 column 3 to line 55 column 4) a system of displaying user's schedule data wherein an Internet-based search engine is used to search and display user's schedule data related information. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Yonemitsu reference to include the teachings of Ford reference because by using an Internet-based search engine to collect user's schedule data related information, the system could display user's subject of interests as disclosed by Ford (line 12 column 3 to line 55 column 4).

As to claim 3, Yonemitsu as modified further teaches the information service data storage includes storing information relating to the access address and access procedure for the information service (lines 43-53 column 2); and connecting to the

information service on the basis of the access address and procedure information that have been retrieved by the related service search (connection of schedule data operating unit 108 and units 106, 107 and 109, Fig. 1).

As to claim 4, Yonemitsu as modified further teaches receiving schedule data related information from an information service to which a connection has been established, and for outputting the received information along with the schedule data (...function of searching for an unoccupied time, and upon receipt of an unoccupied time search request, the search result is displayed in accordance with the definition..., lines 44-48 column 3).

As to claim 6, Yonemitsu as modified further teaches personal information storage for storing personal information relating to users (schedule data storage unit storing information about users, lines 7-10 column 3); wherein the related service search uses this personal information along with the schedule data to search the information service data storage (...searching for an unoccupied time relating to a particular user..., lines 7-47 column 6).

As to claim 7, Yonemitsu as modified further teaches user preferences extraction for extracting information inferred - on the basis of schedule data input by a user or information relating to information service means provided by a user - to be of interest to the user, and for using the extracted information as part of the personal information (the system uses the input information of a particular user to search for unoccupied time relating to that user, lines 7-47 column 6).

As to claim 8, Yonemitsu as modified further teaches acquiring information relating to the personal information by connecting to an information service found by the related service search on the basis of the personal information (...searching for an unoccupied time relating to a particular user..., lines 7-47 column 6), and for storing this information in the user schedule data storage as part of the schedule data of the user (lines 43-53 column 2).

As to claim 9, Yonemitsu as modified further teaches the information service data storage is provided with information service data registration whereby the user can register information (user registers schedule data with the schedule management system, lines 16-26 column 3).

As to claim 10, Yonemitsu as modified further teaches information service data acquisition for searching, on the basis of the personal information stored in the personal information storage, information service that are in conformity with this personal information (the system uses the input information of a particular user to search for unoccupied time relating to that user, lines 7-47 column 6); and for storing this information from the searched information service (lines 43-53 column 2).

As to claim 11, Yonemitsu as modified further teaches when there is information to be registered as schedule data with the schedule data storage, requests transmission of the schedule data to the schedule data storage (user registers schedule data with the schedule management system, lines 16-26 column 3); and data transmit/receive for receiving this schedule data, retrieving information congruent with the received schedule data, and transmitting the acquired information (...function of searching for an

unoccupied time, and upon receipt of an unoccupied time search request, the search result is displayed in accordance with the definition..., lines 44-48 column 3).

As to claim 12, Yonemitsu as modified further teaches display for presenting the user with information acquired from an information service (user system displays information from the server, lines 41-42 column 2); generating and displaying the animated character images along with the acquired information (tables contain user information, Figs. 2-3, 5-6 and 8).

As to claim 13, Yonemitsu as modified further teaches selecting a display scenario that is appropriate for the schedule data (display unoccupied time of a particular user, lines 7-53 column 6); and in accordance with the movement pattern obtained by this display scenario selection, displays the animated character images and outputs what the character says (tables contain user information, Figs. 2-3, 5-6 and 8).

As to claim 14, it is a system claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. Yonemitsu as modified further teaches client terminals are connected to a server via a network (clients 102s connect to server 103 via network 110, Fig. 1).

As to claim 15, Yonemitsu as modified further teaches information service data storage contains Internet location information as the address information (TCP/IP protocol, lines 1-15 column 3) for accessing the information service.

As to claims 16-17, they are system claims of claims 14-15. Therefore, they are rejected for the same reasons as claims 14-15 above.

As to claim 18, Yonemitsu as modified further teaches storage medium (memory, line 57 column 2) in which software has been stored, and an information processing unit (CPU, line 56 column 2).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yonemitsu in view of Ford, and further in view of Van Horne U.S Patent No. 6,625,645.

As to claim 5, Yonemitsu as modified above does not explicitly teach a billing storage. Van Horne teaches a system of clients using service from a server wherein the server stores clients' billing information for account charging purpose (lines 38-65 column 4). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Yonemitsu reference as modified by Ford reference to include the teachings of Van Horne reference because by storing clients' billing information, the server could charge the clients for the service that they have used as disclosed by Van Horne (lines 38-65 column 4).

Response to Arguments

6. Applicant's arguments filed 7/19/2006 have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or' Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

Application/Control Number: 09/916,579
Art Unit: 2194

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Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

A.H
October 2, 2006


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SUPERVISORY PATENT EXAMINER